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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

ALEX ALFREDO CASTRO,

Defendant and Appellant.

G056736

(Super. Ct. No. C-90972)

O P I N I O N

Appeal from a postjudgment order of the Superior Court of Orange County, Kazuharu Makino, Judge. (Retired judge of the Orange County Super. Ct., assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.) Affirmed.

Christopher Love, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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INTRODUCTION

Defendant Alex Alfredo Castro pleaded guilty to vehicle burglary in violation of Penal Code section 459. Appointed counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), setting forth the facts of the case and requesting we review the entire record. Pursuant to *Anders v. California* (1967) 386 U.S. 738 (*Anders*), appointed counsel identified a potential issue to assist us in our independent review. We provided Castro 30 days to file written argument on his own behalf; he did not do so.

We have examined the entire record and appointed counsel's *Wende/Anders* brief; we have found no reasonably arguable issue. (*Wende, supra*, 25 Cal.3d 436.) We therefore affirm.

BACKGROUND

In 1991, Castro was charged in a felony complaint with one count of burglary. (Pen. Code, § 459.) In 1992, Castro pleaded guilty as charged and offered the following factual basis for his plea: "On or about 2/24/91, I entered a 1989 Chrysler Conquest Lic #2LOD665, the property of L. Reese, with the intent to steal. It took place in Orange County." The trial court accepted Castro's guilty plea and sentenced him to the low term of 16 months in prison.

In 2018, Castro filed an application to have his felony conviction reclassified as a misdemeanor under Penal Code section 1170.18, subdivision (f). The prosecutor opposed the application on the ground that Castro's conviction was not eligible for reclassification. The trial court denied the application and Castro appealed.

ANALYSIS

We have reviewed the record in accordance with our obligations under *Wende* and *Anders*, and we find no arguable issues on appeal. (*People v. Kelly* (2006) 40

Cal.4th 106, 110, 120, 124.) The trial court did not err by denying Castro’s application because burglary is not eligible for reclassification under Penal Code section 1170.18. (*People v. Acosta* (2015) 242 Cal.App.4th 521, 526 [“neither car burglary nor its attempt is mentioned in the list of statutes reduced to a misdemeanor” under section 1170.18, subdivision (f)].)

DISPOSITION

The postjudgment order is affirmed.

FYBEL, J.

WE CONCUR:

O’LEARY, P. J.

BEDSWORTH, J.